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17 UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA
19 ORACLE USA, INC.; a Colorado corporation;
20 ORACLE AMERICA, INC.; a Delaware
21 corporation; and ORACLE INTERNATIONAL
22 CORPORATION, a California corporation,
Plaintiffs,

23 v.
24 RIMINI STREET, INC., a Nevada corporation;
and SETH RAVIN, an individual,

Defendants.

25 Case No. 2:10-cv-0106-LRH-VCF

26 **DECLARATION OF SEAN P.**
RODRIGUEZ IN SUPPORT OF
ORACLE'S MOTION FOR
SANCTIONS PURSUANT TO
RULE 37

27 **REDACTED**

1 I, Sean P. Rodriguez, declare as follows:

2 1. I am an attorney admitted to practice law in the State of California and before the
3 Court in this action *pro hac vice*. I am a partner at Boies Schiller Flexner LLP, counsel of record
4 for Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation
5 (collectively “Oracle”) in this action. I have personal knowledge of the facts stated below and
6 could and would testify to them if called upon to do so.

7 2. Attached as Exhibit A is a true and correct excerpted copy of a February 7, 2019
8 letter from Eric Vandevelde to Zachary Hill.

9 3. Attached as Exhibit B is a true and correct excerpted copy of Rimini’s Fourth
10 Supplemental Response to Oracle’s Interrogatory No. 2 served on March 27, 2018 in *Rimini II*.

11 4. Attached as Exhibit C is a true and correct excerpted copy of the transcript from
12 the February 23, 2018 deposition of Jim Benge in *Rimini II*.

13 5. Attached as Exhibit D is a true and correct excerpted copy of the transcript from
14 the February 28, 2018 deposition of Richard Frank in *Rimini II*.

15 6. Attached as Exhibit E is a true and correct excerpted copy of Oracle’s Thirteenth
16 Requests for Production served on September 20, 2017 in *Rimini II*.

17 7. Attached as Exhibit F is a true and correct excerpted copy of Rimini’s October 20,
18 2017 Responses to Oracle’s Thirteenth Requests for Production in *Rimini II*.

19 8. Attached as Exhibit G is a true and correct excerpted copy of Rimini’s Amended
20 Responses to Oracle’s Interrogatory No. 23 served on November 30, 2017 in *Rimini II*.

21 9. Attached as Exhibit H is a true and correct excerpted copy of a December 20, 2017
22 letter from Eric Vandevelde to Nicholas T. Herrera.

23 10. Attached as Exhibit I is a true and correct excerpted copy of a September 27, 2018
24 letter from Beko Reblitz-Richardson to Eric Vandevelde.

25 11. Attached as Exhibit J is a true and correct copy of a November 7, 2018
26 letter from Beko Reblitz-Richardson to Eric Vandevelde.

1 12. Attached as Exhibit K is a true and correct excerpted copy of a December 10, 2018
2 letter from Eric Vandevelde to Beko Reblitz-Richardson.

3 13. Attached as Exhibit L is a true and correct excerpted copy of an August 28, 2019
4 letter from David R. Kocan to Eric Vandevelde.

5 14. Attached as Exhibit M is a true and correct excerpted copy of a November 26,
6 2019 letter from Jacob J.O. Minne to Jennafer M. Tryck. Exhibit D to this November 26, 2019
7 letter is an Excel spreadsheet with [REDACTED] rows that would be over six hundred pages long if
8 printed. Because this document would exceed the exhibit page limit, Exhibit D to the November
9 26, 2019 letter is not attached hereto but can be made available upon request.

10 15. As explained in the November 26, 2019 letter, Oracle identified to Rimini [REDACTED]
11 files distributed by Rimini using AFW TransferFiles that “cannot be matched to any part of the
12 pathnames of similarly named files that Rimini has produced.” In light of subsequent meet and
13 confers and further productions made by Rimini, and removing AFW code files and AFW debug
14 files, Oracle has identified [REDACTED] of those files to be removed from Exhibit D. Attached as Exhibit
15 N is a list of entries previously in Exhibit D that Oracle has removed. Oracle therefore now
16 claims that Rimini has failed to produce at least [REDACTED] relevant files that Rimini sent to customers
17 using TransferFiles.

18 16. Attached as Exhibit O is a true and correct copy of an August 21, 2019
19 letter from David R. Kocan to Eric Vandevelde.

20 17. Attached as Exhibit P is a true and correct copy of an October 1, 2019
21 letter from Eric Vandevelde to Kathleen Hartnett.

22 18. Attached as Exhibit Q is a true and correct excerpted copy of an October 2, 2019
23 email from Eric Vandevelde that includes the following description of the AFW file archiving
24 tool: [REDACTED]
25 [REDACTED]
26 [REDACTED]

1 19. Attached as Exhibit R is a true and correct copy of a document titled
2 [REDACTED] that Rimini produced under the Bates number
3 RSI007949155 along with excerpted metadata, such as the field [REDACTED] with the value of
4 [REDACTED]

5 20. Attached as Exhibit S is a true and correct copy of an August 28, 2019
6 letter from Eric Vandevelde to David R. Kocan.

7 21. Attached as Exhibit T is a true and correct excerpted copy of Oracle's Seventh Set
8 of Interrogatories served on September 22, 2017 in *Rimini II*.

9
10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct and this declaration was executed at San Francisco, California.
12
13
14

15 DATED: July 10, 2020

16 [REDACTED]
17 Sean P. Rodriguez

1 **CERTIFICATE OF SERVICE**

2 I certify that on July 10, 2020, I electronically transmitted the foregoing

3 **DECLARATION OF SEAN P. RODRIGUEZ IN SUPPORT OF ORACLE'S MOTION**

4 **FOR SANCTIONS PURSUANT TO RULE 37** to the Clerk's Office using the CM/ECF

5 System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all
6 counsel are CM/ECF registrants.

7
8 Dated: July 10, 2020

9
10 BOIES SCHILLER FLEXNER LLP

11 By: /s/ Ashleigh Jensen

12 Ashleigh Jensen

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